



# JUDICIAL COUNCIL OF CALIFORNIA

APPELLATE ADVISORY  
COMMITTEE

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## APPELLATE ADVISORY COMMITTEE

### MINUTES OF OPEN MEETING

June 28, 2022

2:00 pm

BlueJeans

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<b>Advisory Body Members Present:</b>	Hon. Louis Mauro; Hon. Kathleen Banke; Ms. Marsha Amin; Mr. Michael Colantuono; Mr. Kevin Green; Mr. Jonathan Grossman; Hon. Adrienne Grover; Hon. Leondra Kruger; Mr. Jeffrey Laurence; Ms. Heather MacKay; Ms. Mary McComb; Mr. Jorge Navarrete; Ms. Milica Novakovic; Ms. Beth Robbins; Hon. Bruce Smith; Hon. Helen Williams
<b>Advisory Body Members Absent:</b>	Hon. Joan Irion; Hon. Joshua Knight; Hon. Laurence Rubin; Hon. Stephen Schuett; Ms. MC Sungaila
<b>Others Present:</b>	Hon. Victoria Wood; Ms. Christy Simons; Ms. Khayla Salangsang; Ms. Kathleen Nitta; Mr. Todd Harshman; Mr. Kendall Hannon

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### OPEN MEETING

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#### Call to Order and Roll Call

The chair called the meeting to order at 2:00 pm, and took roll call.

#### Approval of Minutes

The advisory body reviewed and approved the minutes of the March 2, 2022, Appellate Advisory Committee meeting.

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### DISCUSSION AND ACTION ITEMS (ITEMS 1-8)

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#### Item 1

##### Chair's Report (Information Only)

Justice Mauro provided an update on the return to in-person oral argument at the Third District; remote appearances are by telephone; the court is working on videoconferencing. The recent Appellate Justices Institute in southern California was in person. The Fifth District held oral argument in person in May; remote is an option. In the Sixth District, they are still working on technology for remote appearances. Oral argument in the First District is still remote; they are working towards a hybrid system. As ITAC liaison, Justice Mauro reported that ITAC's May 25 meeting was in person and worked very well. Efforts continue on remote proceedings, digital records, access to electronic appellate records, information security, and data analytics.

## **Item 2**

### **Legislative Update (Information Only)**

Ms. Nitta provided an update on the Legislature. The second house deadline for bills to stay alive is Friday. This is the second year of a two-year cycle, so bills are dead if they don't move. Of note, AB 205 regarding energy projects is moving ahead. On the budget, trial court funding will exceed 92% and there is significant funding for technology. There are trailer bills to reduce civil assessments, increase the income limit for fee waivers, and allow some remote proceedings in criminal matters.

## **Item 3**

### **Liaison Reports (Information Only)**

Hon. Victoria D. Wood, TCPJAC Liaison

From the last couple of meetings, Judge Wood noted workload concerns in the trial courts. They are trying to implement remote proceedings. TCPJAC chair is happy to hear from us.

Mr. Todd Harshman, Judicial Council CJER Liaison

Mr. Harshman noted that CJER has held several successful in-person training sessions. New Justice Orientation is tomorrow in person. The Appellate Judicial Attorneys Institute will be held in September in San Francisco.

## **Item 4**

### **Improving Appellate Efficiency (Information Only)**

Justice Mauro provided an update on this project. At the request of the Administrative Presiding Justices, this committee amended its annual agenda and created a subcommittee with volunteer members. The subcommittee began meeting on the second Friday of each month. The landscape changed when Justice Raye retired with stipulated discipline related to case delays in the Third District. The Chief Justice created the Appellate Caseflow Workgroup that will hold its first meeting on July 12. Members include Ms. Amin and Mr. Colantuono. In light of these developments, our subcommittee will suspend its work for now; it is important to not get ahead of that group and not duplicate efforts. The subcommittee meeting for July 8 is taken off calendar.

## **Item 5**

### **CEQA Actions: New Projects and Fees for Expedited Review (Action Required)**

The committee received one comment agreeing with the proposal for amended rules to implement legislation adding projects for streamlined CEQA review and requiring the council to establish fees to be paid to the courts.

**Action: The committee approved recommending the proposal to the Rules Committee.**

**Item 6**

**Update Language Referring to Persons with Disabilities (Action Required)**

The committee reviewed the comments on proposed rule amendments and form revisions to use preferred language regarding disability. Justice Grover emphasized that these are important changes and recognized the long-term disability rights work of Linda McCulloh.

***Action: The committee approved recommending the proposal to the Rules Committee.***

**Item 7**

**Transfer of Jurisdiction from Juvenile Court to Criminal Court and Review of Orders Granting Transfer**

The committee reviewed the comments on proposed rule amendments and form revisions to implement legislative changes to the statutes governing transfer of jurisdiction from the juvenile court to the criminal court and review of orders granting transfer. The Family and Juvenile Law Advisory Committee had already reviewed the comments, recommended several minor changes based on the comments, and requested that this committee consider an organizational change to rule 8.406(a).

***Action: The committee approved recommending the proposal to the Rules Committee as modified and contingent on the Family and Juvenile Law Advisory Committee's approval of a change to rule 5.770(b)(2).***

**Item 8**

**Court Records: Retention of Reporters' Transcripts in Criminal Appeals**

The committee reviewed the comments on proposed amendments to the rule regarding preservation and destruction of Court of Appeal records to extend the time the court must keep the reporter's transcript in cases affirming a felony conviction and to revise an outdated provision to conform to Code of Civil Procedure section 271, subdivision (a).

***Action: The committee approved recommending the proposal to the Rules Committee as modified based on the comments.***

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**A D J O U R N M E N T**

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There being no further business, the meeting was adjourned at 2:57 pm.

Approved by the advisory body on September 12, 2022.